

# INTERVENTION



0000035837

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November 14, 2001

Nancy Cole, Supervisor  
Document Control  
Arizona Corporation Commission  
1200 W. Washington  
Division: Hearing  
Phoenix, AZ 85007

Re: Arizona Public Service Company  
Docket No. E-01345A-01-0822

Dear Ms. Cole:

Enclosed for filing in the above-captioned proceeding are the original and ten (10) copies of an Application for Leave to Intervene by Southwestern Power Group, II, L.L.C., Toltec Power Station, L.L.C. and Bowie Power Station, L.L.C.

Please let me know if you have any questions, and thank you for your assistance.

Sincerely,

Lawrence V. Robertson, Jr.

LVR:cl  
enclosures

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BEFORE THE ARIZONA CORPORATION COMMISSION  
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WILLIAM A. MUNDELL

Chairman

JIM IRVIN

Commissioner

MARC SPITZER

Commissioner

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF ARIZONA  
PUBLIC SERVICE COMPANY'S  
REQUEST FOR A VARIANCE OF  
CERTAIN REQUIREMENTS OF A.A.C.  
R14-2-1606

DOCKET NO. E-01345A-01-0822

APPLICATION FOR LEAVE TO  
INTERVENE

Pursuant to A.A.C. R14-3-105, Southwestern Power Group II, L.L.C. ("SWPG"), Toltec Power Station, L.L.C. ("Toltec") and Bowie Power Station, L.L.C. ("Bowie"), by and through their undersigned attorney, hereby make application for leave to intervene in the above-captioned proceeding as parties of record.

I.

SWPG, Toltec and Bowie are limited liability corporations organized under the laws of the State of Delaware, and qualified to do business in the State of Arizona. SWPG is the sole owner of Toltec and Bowie. SWPG is currently involved in the development of electric generation and transmission projects in the states of Arizona, Nevada and North Dakota. The electricity to be generated at each of these projects is intended to be sold into the wholesale competitive market.

In Arizona, the aforementioned projects are being initiated through Toltec and Bowie, and are known as the Toltec Power Station and Bowie Power Station, respectively. Toltec Power Station is the subject of Case Nos. 112 and 113 before the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee"), in which evidentiary hearings have been concluded and deliberations are scheduled for November 27, 2001. Bowie Power Station is the subject of Case No.

1 118 before the Siting Committee. A final day of hearing and a day for deliberations in that  
2 proceeding are scheduled for December 10 and 11, 2001, respectively.  
3

4 II.

5 By means of its October 18, 2001, Request for a Variance of Certain Requirements of A.A.C.  
6 R14-2-1606 ("Request"), Arizona Public Service Company ("APS") seeks in effect to withdraw a  
7 substantial portion of its Standard Offer customers' future generation requirements from the  
8 competitive wholesale electric market intended to be created through the Commission's electric  
9 competition rules. It is that same market into which Toltec and Bowie intend to offer for sale  
10 electricity generated at Toltec Power Station and Bowie Power Station. As a consequence, SWPG,  
11 Toltec and Bowie would be directly and substantially affected by any order of the Commission  
12 granting in whole or in part APS's request.  
13

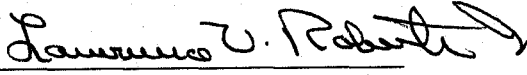
14 III.

15 SWPG, Toltec and Bowie's participation will not unduly broaden the issues raised by APS's  
16 Request. Moreover, while the instant proceeding may address certain issues of an industry- wide  
17 nature, no other party is capable of adequately and fully representing SWPG, Toltec and Bowie's  
18 specific interests herein.  
19

20 WHEREFORE, SWPG, Toltec an Bowie hereby request that their Application for Leave To  
21 Intervene be granted and they be accorded full rights of participation as parties of record in the  
22 above-captioned proceeding.  
23  
24  
25  
26  
27  
28

1 DATED this 14<sup>th</sup> day of November, 2001.

2 Southwestern Power Group II, L.L.C.  
3 Toltec Power Station, L.L.C. and  
4 Bowie Power Station, L.L.C.

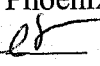
5 By:   
6 Lawrence V. Robertson, Jr.  
7 Attorney for Applicants

8  
9 The original and fifteen (15) copies  
10 of the foregoing Application for  
11 Leave to Intervene was mailed to  
12 Docket Control this 14<sup>th</sup> day of  
13 November, 2001, to:

14 Nancy Cole, Supervisor  
15 Docket Control  
16 Arizona Corporation Commission  
17 1200 W. Washington  
18 Division: Hearing  
19 Phoenix, AZ 85007

20 A copy of the of the foregoing  
21 Application for Leave to Intervene  
22 was mailed on this 14<sup>th</sup> day of  
23 November, 2001, to:

24 Thomas L. Mumaw  
25 Jeffery B. Guldner  
26 Snell & Wilmer  
27 One Arizona Center  
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